

REMARKS

At the outset, Applicant thanks the Examiner for the thorough review and consideration of the subject application. The Office Action of May 12, 2005 has been received and its contents carefully reviewed.

Claims 1–5 and 7–11 are hereby amended, and claim 6 is canceled. Accordingly, claims 1–5 and 7–14 are pending. Reexamination and reconsideration of the pending claims are respectfully requested.

In the Office Action, claims 1–14 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter; claims 3, 6, 8, and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; claims 1 and 2 are objected to due to informalities; claims 1, 2, 7, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,738,748 to Wetzer (hereinafter “Wetzer”); and claims 3, 4, 6, and 8–11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wetzer in view of Hillier et al. *Introduction to Operations Research* (hereinafter “Hillier”).

In the Office Action, claims 1–14 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 is hereby amended to recite a “system having a computer with software for implementing a method of determining a time interval.” Further, claim 7 is amended to recite a “computer software encoded with a program for forecasting unscheduled demand.” Accordingly, Applicant respectfully submits that these amendments overcome the rejection.

In the Office Action, claims 3, 6, 8, and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. By this amendment, Applicant cancels claim 6, and

amends claims 3, 8, and 10 to remove the equations. Applicant respectfully submits that the amendments to claims 3, 8, and 10 overcome the rejection.

In the Office Action, claims 1, 2, 7, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Wetzer. Applicant respectfully traverses the rejection of claim 1 and requests reconsideration. Claim 1 is allowable over Wetzer in that it recites “establishing a plurality of statistical models for a probability of unscheduled component demand as a function of time and ~~at least~~ a failure rate of a component, wherein each of the plurality of statistical models includes a linear combination of variables pertaining to component use,” and “select[ing] one statistical model from the plurality of statistical models.” Nothing in Wetzer teaches or suggests at least this feature of the claimed invention. In contrast, Wetzer teaches “predict[ing] at least one probability of failure associated with the corresponding component data.” (Column 11, lines 13–14). Applicant respectfully asserts that selecting a statistical model from a plurality of statistical models is patentably distinct from predicting at least one probability. Accordingly, Applicant respectfully submits that claim 1, and its dependent claims 2, 13, and 14, are allowable over Wetzer.

Applicant respectfully traverses the rejection of claim 7 and requests reconsideration. Independent claim 7 is allowable over Wetzer in that it recites “establishing a plurality of statistical models for modeling unscheduled demand for the components as a function of a failure rate of each of the components, wherein each of the plurality of statistical models includes a linear combination of variables pertaining to component use,” and “selecting one of the statistical models of the plurality of statistical models.” Nothing in Wetzer teaches or suggests at least this feature of the claimed invention. Accordingly, for the same or similar reasons are regarding claim 1, Applicant respectfully submits that claim 7 is allowable over

Wetzer.

In the Office Action, claims 3, 4, 6, and 8–11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wetzer in view of Hillier. By this amendment, Applicant cancels claim 6 without prejudice or disclaimer. Applicant respectfully traverses the rejection of claims 3, 4, and 8–11 and requests reconsideration. Claims 3 and 4, which depend from claim 1, are allowable in that Hillier fails to cure the deficiency of Wetzer to teach or suggest “establishing a plurality of statistical models for a probability of unscheduled component demand as a function of time and ~~at least~~ a failure rate of a component, wherein each of the plurality of statistical models includes a linear combination of variables pertaining to component use,” and “select[ing] one statistical model from the plurality of statistical models.” Accordingly, Applicant respectfully submits that claims 3 and 4, as they depend from claim 1, are allowable over any combination of Wetzer and Hillier.

Applicant respectfully traverses the rejection of claims 8–11 and requests reconsideration. Claims 8–11, which depend from independent claim 7, are allowable in that Hillier fails to cure the deficiency of Wetzer to teach or suggest “establishing a plurality of statistical models for modeling unscheduled demand for the components as a function of a failure rate of each of the components, wherein each of the plurality of statistical models includes a linear combination of variables pertaining to component use,” and “selecting one of the statistical models of the plurality of statistical models.” Accordingly, Applicant respectfully submits that claims 8–11, as they depend from independent claim 7, are allowable over any combination of Wetzer and Hillier.

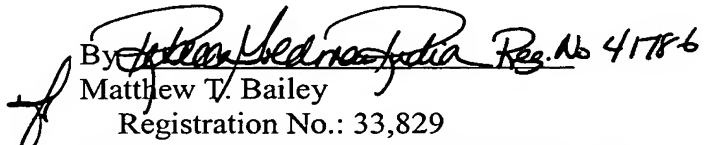
Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If the Examiner deems that a telephone conversation would further the prosecution of this application, the Examiner is invited to call the undersigned at (202) 496-7500.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: November 10, 2005

Respectfully submitted,

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